

Freedom of Information Act Responses

Problem Statement:

EPA uses a decentralized model for processing FOIA requests which relies on a variety of different processes across the agency. Simultaneously, the number of FOIA requests that involve more than one office or region has increased significantly in the last several years; which creates significant burden upon agency staff, results in confusion, increases the risk of litigation, affects timeliness of initial interaction with and final response to requestors, and raises uncertainty regarding the application of FOIA across the agency.

Project Goals:

Meet statutory deadlines for responding to FOIA requests and appeals on 100% of such requests received by FY22.

Background:

The Freedom of Information Act (FOIA) allows members of the public to request Agency records and information. Requests for information must be provided in writing (generally via electronic communication) to the Agency in order to be considered a FOIA request. Agency staff work with requestors to validate a clear understanding of what information the requestor is seeking to enable internal records searches. Once a request has been received, the Agency has 20 working days to provide the information; except in cases of complex requests when an additional 10 working days are allowed by the statute. The EPA receives over 10,000 FOIA requests annually; of those over 2,000 are considered complex.

There are currently dozens of different FOIA processes that a request for information might go through depending upon how it is received by the EPA. Additionally, the process of responding to requests is further fragmented at the sub-organizational level as many of the personnel handling requests are not dedicated FOIA staff, have highly variable levels of FOIA expertise, and are provided varying levels of guidance or direction. Coupled with the challenges of coordination among potentially responsive organizations, this fragmentation leads to varying outcomes in terms of timeliness and consistency of responses.

We have outgrown the current process:

- Complexity and volume of electronic documents required to search, collect and review has increased requiring greater agency resources.
- Staff are generating more electronic documents than ever before.

Business Case:

The overall complexity of FOIA requests has increased over the last several years and will probably continue to do so. Engaging in this project provides the Agency with the opportunity to simultaneously improve compliance with statutory requirements while also:

- Reducing the overall burden to EPA for processing FOIA requests
- Improving the consistency of responses
- Limiting agency exposure to lawsuits under FOIA
- Improving public satisfaction with EPA FOIA responses

Project Approach:

- Conduct an Agency-wide process improvement event to standardize the process for responding to FOIA – by January 2018
- Develop standard work, process flow, definitions, and performance targets across all Regions – by April 2018
- Start to implement changes for new process – by July 2018
- Immediate next steps: research and conduct root-cause analysis on FOIA issues